

REMARKS

Claims 3, 6, 9, and 11 remain in the application with claims 3 and 11 having been amended hereby and claim 4 having been canceled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the objection to claim 3 as containing an informality.

Claim 3 has been amended hereby to correct the instance noted by the examiner.

Reconsideration is respectfully requested of the rejection of claims 3 and 11 under 35 USC 102(b), as being anticipated by Bakhmutsky.

In paragraph 7 of the Instant Official Action claim 4 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 3 has been amended hereby to include the allowable subject matter of claim 4 in its entirety. Claim 4 has been canceled. In addition, claim 11, which is a method claim corresponding to the apparatus claim 3, has been amended to include the method steps corresponding to the performance of the channel state estimator previously recited in claim 4.

Therefore, by reason of the inclusion of allowable claim 4 in claim 3 and the amendment to claim 11 to include corresponding method steps, it is respectfully submitted that claims 3 and 11 are patentably distinct over the cited reference.

Reconsideration is respectfully requested of the rejection of claims 3 and 11 under 35 USC 102(e), as being anticipated by Fielder et al.

As noted hereinabove, independent claims 3 and 11 have been amended hereby to include allowable subject matter and it is respectfully submitted that claims 3 and 11 are not anticipated by Fielder et al.

Notice is respectfully taken of the allowance of claims 6 and 9.

Accordingly, by reason of the amendments made to the claims hereby to include allowable subject matter, it is respectfully submitted that all claims remaining in this application are now in condition for allowance.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention, as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first name "Jay" and last name "Maioli" clearly distinguishable.

Jay H. Maioli
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JHM:tb